

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL**

Writ Petition No. 993 (SB) of 2002

Damodar Lohani,
S/o Ghana Nand Lohani,
C/o Sri Shankar Chand Lohani,
Khetwal Bhwan, Uppar Danda House,
Tallital,
District – Nainital.

.....Petitioner.

Versus

1. State of Uttaranchal through Secretary, Medical and Health Services, Dehradun.
2. Managing Director, Medical and Health Services, Uttaranchal, Dehradun.
3. Additional Director, State Vaccine Institute Patwadangar, Nainital, District – Nainital.

....Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri N.S. Negi, learned counsel for the petitioner and Sri Subhash Upadhyay, learned Standing Counsel for State of Uttaranchal on behalf of respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

- i. *Issue a writ, order or direction in the nature of Mandamus directing the respondents to pay the pension and other retirement benefits to the petitioner from the date of his retirement.*
- ii. *Issue a writ, order or direction in the nature of Mandamus directing the respondents to pay the arrears of pension and other retirement benefits with interest to the petitioner.*

- iii. *Issue any suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of present case.*
- iv. *Award the cost of the writ petition to the petitioner.*

The submission of the petitioner is that petitioner was working on the post of Labour with the respondent department on daily wage basis with effect from 13.05.1986 and was appointed in Class IV post on regular basis with effect from 20.07.1993. The petitioner was retired after attaining the age of superannuation on 31.12.2001.

It is not disputed that petitioner was appointed on regular basis in the month of July, 1993 and was retired in the month of December, 2001 and has not completed 10 years of regular service, which is required to get pension.

Writ petition devoid of merit, as such, is dismissed. Stay application no. nil of 2002 is rejected accordingly. No order as to costs.

(M.M. Ghildiyal, J)

December 04, 2006
SKSharma